

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Jones County School District
Accountability Review - Monitoring Report 2011-2012**

Team Members: Rita Pettigrew, Team leader; Chris Sargent and, Education Specialist; Dan Rounds, Transition Liaison

Dates of On Site Visit: September 13, 2011

Date of Report: October 6, 2011

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order

agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

NONCOMPLIANCE ISSUES:

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:27:01.03. Content of individualized education program (IEP). Each student's individualized education program shall include: (1) A statement of the student's present levels of academic achievement and functional performance (PLAAFP), including: (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
(b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

Corrective Action:

Prong 1: District needs to correct each individual case of noncompliance.

Through a review of student records, the monitoring team noted how the student's disability affects his/her involvement and progress in the general education curriculum was not accurately documented in the students' IEPs.

File Number(s) (issues associated with file(s))

Students #1 and 3: The IEP team documented how the disability may affect the student instead of what is currently occurring in the student's involvement and progress in the general education curriculum due to the disability.

Required Action:

Students #1 and 3: The IEP teams are to meet, review and amend the students IEP/PLAAFP statement: how the student's disability affects the student's involvement and progress in the general education curriculum; or for a preschool student, how the disability affects the student's participation in appropriate activities.

Data To Be Submitted:

Student #1 and 3: The district must submit the prior notices for the meetings to amend the IEPs, and the amended IEPs that includes correction to the PLAAFP statement.

Timeline for Completion: Submit documentation by: October 31, 2011 to the team leader.

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

The district must review and revise current policy, procedure and practice to ensure that student IEPs/PLAAFP clearly states how the student's disability affects the student's involvement and progress in the general education curriculum; or for a preschool student, how the disability affects the student's participation in appropriate activities.

Data To Be Submitted:

The early childhood special education teacher and speech therapist each or together must submit the following documentation for a student who has been initially evaluated or reevaluated since the on-site review:

- 1) eligibility document
- 2) IEP

Timeline for Completion: Submit documentation by December 31, 2011 to the team leader.

All non-compliance must be corrected within 1 year of this report date.

Date:

Status Report:**2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

ARSD 24:05:27:01.02. Development, review, and revision of individualized education program. In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall: (1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;

Corrective Action:**Prong 1: District needs to correct each individual case of noncompliance.**

Through a review of student records, the monitoring team identified one student with behavior needs that were not addressed when considering special factors during the development of the IEP.

File Number(s) (issues associated with file(s))

Student #6: This student was identified on child count under the category of Other Health Impaired (555) due to a diagnosis of ADHD. When considering special factors during the development of the IEP, the team indicated the student did not have any behavior concerns. Evaluation and diagnosis indicated otherwise. Positive intervention strategies were not developed to address the student's behavior issues.

Required Action:

Student #6: The IEP teams must meet to amend the special factors, behavior impedes learning section of the student's IEP to develop positive intervention strategies that their teachers must implement to address the behavior needs of these students.

Data To Be Submitted:

Student #6: The district must submit the prior notice for the meeting to amend the IEP, and the amended IEP that includes positive intervention strategies addressing the student's behavior.

Timeline for Completion: Submit documentation by December 31, 2011 to the team leader.

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**Required Action:**

The district must review and revise current policy, procedure and practice to ensure that consideration for special factors (behavior impedes learning) is appropriately addressed in the IEPs for students with behavior-based disabilities and other behavior concerns.

Data To Be Submitted:

The district must submit the IEP for one student who has been initially evaluated or reevaluated since the on-site review for which the IEP team developed positive intervention strategies and support.

Target Date for Completion: Submit documentation by December 31, 2011 to the team leader

All non-compliance must be corrected within 1 year of this report date.

Date:

Status Report:

3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

- (a) To advance appropriately toward attaining the annual goals;
- (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
- (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

§300.320 (a)(7) Comment Initiation, Frequency, Location and Duration of Services

What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each the various services to be provided must be appropriate to the specific service and clearly state in the IEP in a manner that can be understood by all involved into the development and implementation the IEP.

Corrective Action:

Prong 1: District needs to correct each individual case of noncompliance.

Through a review of student records, the monitoring team noted the amount of time to be committed to **specific** services was not documented in the students' IEPs.

File Number(s) (issues associated with file(s))

Students #1, 5 and 6: Example: In one file, the only service noted for this student was speech therapist 2 X 20 minutes and special education 1 X 20.

Required Action:

Student #1, 5 and 6: The IEP teams are to meet and amend the special education services to be provided to the student. Each student's IEP team must specifically address the specialized instruction needed.

Data To Be Submitted:

Documentation submitted for General Supervision #1 and #2 will be used to verify corrections for students 1 and 6 for this issue. **In addition**, for student #5, the district must submit the prior notice for the meeting to amend the IEP, and the amended IEP that includes specific special education services to be provided to the student.

Timeline for Completion: Submit documentation by December 31, 2011 to the team leader.

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

The district must review and revise current policy, procedure and practice to ensure that the amount of time to be committed to each of the various services to be provided must be appropriate to the specific service, and clearly stated in the IEP in a manner that can be understood by all involved who develop and implement the IEP.

Data To Be Submitted:

Documentation submitted for General Supervision #1 will be used to verify correction to this finding. **In addition**, the high school special education teacher must submit an IEP for a student who has been initially evaluated or reevaluated since the on-site review:

Timeline for Completion: Submit documentation by December 31, 2011 to the team leader.

All non-compliance must be corrected within 1 year of this report date.

Date:

Status Report:

STATE PERFORMANCE PLAN –PERFORMANCE INDICATORS

Indicator 3: - Participation on Statewide Assessments:

A- Participation of children with disabilities on Statewide Assessments.

District Policy, Procedure and Practice:

The district met the State's 100% participation rate on statewide assessment. The policy of the Jones County School District requires all students with disabilities be included in all general and district-wide assessment programs with appropriate accommodations and alternate assessments if necessary as indicated in the IEP.

Indicator 5 – Placement of Children Age 6-21

- A- Percent of children with IEPs inside the general classroom 80% or more of the day. State target: 65% or higher, District rate 84.62%.
- B- Percent of children with IEPs inside the general classroom less than 40% of the day. State target: 6.5% or lower, District rate 7.69%.
- C- Percent of children with IEPs served in public or private separate school, residential placements or homebound or hospital placements. State target: 4.0% or lower. District rate 7.69

District Policy, Procedure and Practice: The IEP team considers appropriate information on the student's functioning in the area of educational, social, emotion, physical, cognitive and communication skills to determine the least restrictive environment. The IEP team addresses all program options, nonacademic and extracurricular in the IEP. In addition, the district considers the harmful effect that children placed in residential settings may have and opportunities for community involvement. The team addresses all options when placing a student in a private or residential facility.